

Climate Change Update – January 13, 2010

Legislative Commission on Global Climate Change

Victor B. Flatt

Tom & Elizabeth Taft Distinguished Professor of Environmental Law; Director, Center for Law Environment, Adaptation, and Resources; Distinguished Scholar of Carbon Markets and Carbon Trading, Global Energy Management Institute, University of Houston Bauer College of Business

CLEAR – www.law.unc.edu/centers/CLEAR

Center for Law, Environment, Adaptation and Resources
*Adapting Law for a
Changing World* CLEAR

Federal Update

- EPA regulation
- Murkowski Amendment
- Federal Bills – Timing/ Retirements
- Federal Bills – Substance –Kerry/Graham
- California Proposal
 - ▣ Political and legal challenge

International Update - Copenhagen

- What Happened – Legally
- Copenhagen “Accord” – Recognized by UNFCCC (5 objectors)
- Commitments by January 31, 2010
 - ▣ Annex I – own baseline/ “binding” like Kyoto?
 - ▣ Others – tailored commitment/ “Reporting”
 - ▣ If adaptation aid, must be “verifiable”
 - ▣ Mexico City Binding

Copenhagen Breakthroughs?

- REDD – sectoral approach (US)
- Semi-“binding” commitment of Developing Countries
- US may rely on EPA and other reductions to meet target

International Impact on Domestic

- Obama going for the domestic audience
- Answers some criticism about China/India commitments

Center for Law, Environment, Adaptation and Resources

*Adapting Law for a
Changing World*

CLEAR

Most Important Results

- ❑ Rejection of UNFCCC process?
- ❑ Recognition of need for technological breakthrough and putting price on carbon becomes the goal rather than target
- ❑ Fits with Obama's sell
- ❑ Less Developed Countries Lost – 100 billion still possible in Mexico City
- ❑ Acceptance of Cap and Trade as *fait accompli*
 - ▣ *Private sector is moving ahead*
 - ▣ *Interlinked cap and trade systems –adaptation funding*
 - ▣ *EU/US – pressure on China and India pushed by trade barriers*